UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,655	10/02/2001	Igor A. Shmulevich	VIGN1330-1	5246

44654 7590 02/15/2011	EXAMINER
Sprinkle IP Law Group	GOLDBERG, ANDREW C
1301 W. 25th Street	

Suite 408	ART UNIT	PAPER NUMBER
Austin, TX 78705	2491	

	MAIL DATE	DELIVERY MODE
	02/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>14 December 2010</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>26-45</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>26-45</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to the application filed on 02 October, 2001.

Examiners Note

2.   The examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim Objections

3.   The previously presented objection(s) to claim(s) 26-45 have been withdrawn.

Claim Rejections - 35 USC § 112

4.   The previously presented 35 USC § 112 rejection(s) to claim(s) 26, 35 and 40 have been withdrawn.

Claim Rejections - 35 USC 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 26-45** are rejected under 35 USC 103 (a) as being unpatentable over

Chong et al., Application No.: 60/263574 (attached herein), 01/22/2001, hereby **Chong**.

As an initial matter, the examiner would like to express his interpretation of

instant invention to provide applicant with insight to the examiner's thought process.

The examiner interprets the instant application as a means to deliver service and

device specific applications (templates) to end users. A developer may use a

development environment to create a service specific template that does not include

presentation data for a specific end device. In the development environment, a user may

manually design a service template from scratch (selecting name-value pairs), or

edit/modify existing service specific templates (adding name-value pairs to an already

designed template).

After the user creates a custom service template, the master template contains

the information necessary to convert the service data into a proper presentation for a

specific device type. Although not claimed, the examiner is assuming that the master

template responds to a request from an end user for said service. In response to said

request, the master template creates a specific service/device template (application)

using the already defined service template AND the newly transformed presentation

template (based on the requesters device type) to satisfy said request.

Regarding **claim 26**, **Chong** discloses, "providing a master template which

contains a plurality of building blocks, wherein each of the plurality of building blocks

defines formatting for a single type of name-value pair for presentation on a single

device type **(page 13, Covigo Mobile Application Engine. The engine converts templates

designed in the visual development studio to deliver applications and services; par.

0015, "Covigo Engine to generate the output specific to a connecting device" wherein

the output is the presentation data; page 56, second paragraph; figure 6-13; page 41-

42, componentization wizard);**

receiving or retrieving unformatted data from the storage device, wherein the

unformatted data corresponds to a specific data service **(page 13, re-usable and

customizable templates, delivers applications and services; page 14, drag-and-drop

visual design element; page 15, custom templates...developers do not need Covigo's

out of box templates and can therefore design their own. Further, Covigo works with

backend XML files. Therefore, if a user is developing his or her own template, the data

that is used to design said template must "correspond" aka "relate to" (in any way) a

specific service);**

examining the unformatted data, each name-value pair including a name of a

data item and a value of the data item **(figure 6-13; page 41-42, componentization

wizard, components are saved in an XML repository);**

presenting the name-value pairs to a user via the user interface **(figure 6-13);**

retaining a set of the name-value pairs based on user input received via the user

interface **(figure 6-13, user can add or remove name-value pair);** ;

selecting, from the master template, building blocks containing information on

formatting the set of the name-value pairs for presentation of the specific data service

on a plurality of device types **(page 13, Covigo Mobile Application Engine. The engine**

converts templates designed in the visual development studio to deliver applications

and services; par. 0015, "Covigo Engine to generate the output specific to a connecting

device" wherein the output is the presentation data); and

assembling the building blocks selected from the master template into one or

more service/device-specific templates, wherein each of the service/device-specific

templates is specific to a corresponding device or a device type and to the specific data

service associated with the unformatted data **(page 13, Covigo Mobile Application**

Engine. The engine converts templates designed in the visual development studio to

deliver applications and services; par. 0015, "Covigo Engine to generate the output

specific to a connecting device" wherein the output is the presentation data.)

Chong does not appear to explicitly disclose that the unformatted data, "contains

no information on formatting the specific data service for presentation". In Chong, it

appears that the pre-existing templates (that contain the XML code) may contain some

sort of presentation data.

At the time the invention was made, it would have been an obvious matter of

design choice to a person of ordinary skill in the art to make the presentation separate

from a component because Applicant has not disclosed that separating the

presentation data from the unformatted data provides an advantage, is used for a

particular purpose, or solves a stated problem. One of ordinary skill in the art,

furthermore, would have expected Applicant's invention to perform equally well with

including general presentation data within the unformatted data because the intended

use of formatting the presentation for a specific device type happens AFTER a user

selects the variables he or she wants in the component file. That is, the presentation

for a specific device type happens at the server using the Covigo Mobile Application

Engine which solves the same problem that the instant application is attempting to

solve. Using the Covigo Mobile Application Engine, there is no need to manually

generate a new template for presentation data because the engine performs said

conversion automatically.

Therefore, it would have been an obvious matter of design choice to modify

Choong to obtain the invention as specified in the claim [(s)].

Regarding **claim 27**, **Charisius** discloses, "utilizing the service/device-specific

templates to create markup language files for corresponding devices" (page 15).

Regarding **claim 28**, **Charisius** discloses, "utilizing the markup language files to

accommodate the specific data service on the

corresponding devices" (page 15).

Regarding **claim 29**, **Charisius** discloses, "wherein the master template defines

predetermined style for displaying data on physical devices" (page 15).

Regarding **claim 30**, **Charisius** discloses, "wherein the master template is one of

a plurality of master templates, each defining a different style for displaying data on

physical devices" (page 15, dynamic content generation).

Regarding **claim 31**, **Charisius** discloses, "prompting the user to select one of the

plurality of master templates according to which the service/device-specific templates

are generated" (page 63, number 12).

Regarding **claim 32**, **Charisius** discloses, "wherein the service/device-specific

templates are generated automatically upon completion of the master template" (page

15, code generator).

Regarding **claim 33**, **Charisius** discloses, "wherein the service/device-specific

templates are generated as needed to accommodate the specific data service or a new

data service" (page 15).

Regarding **claim 34**, **Charisius** discloses, "presenting the user with a name for

each of the set of the name-value pairs; and allowing the user to accept or modify the

name via the user interface" (figure 6-13; page 41-42, componentization wizard,

components are saved in an XML repository).

Claims 35-45 are rejected under the same reasoning and motivation as above.

No new substantial limitations or concepts have been added.

Response to Arguments

7.   Applicant's arguments have been considered but are moot in view of the new

ground(s) of rejection.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew Goldberg whose telephone number is (571)

270-5441. The examiner can normally be reached on 9:30-3:30 EST Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ashok Patel can be reached on (571)-272-3972. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                        Andrew Goldberg
                                                        Examiner

Art Unit 2491

/Andrew Goldberg/
02/12/2011

/Ashok B. Patel/

Supervisory Patent Examiner, Art Unit 2491